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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,104	09/16/2003	Juan Jose Gonzalez	2213P022	1818
8791	7590	11/29/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			VO, TUYET THI	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/663,104

Applicant(s)

GONZALEZ ET AL.

Examiner

Tuyet Vo

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-16, 18-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 11-16, 18, 19, 22-25 and 28-31 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 20, 21 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on November 09, 2005 has been entered.

### ***Claim Objections***

1. Claims 5, 17, 26 are objected to because of the following informalities: Claims 5, 17 and 26 are object due to improper reinstated claims. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new/reinstated claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 5, 17 and 26 have been renumbered 29, 30 and 31. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-8, 13-16, 18, 19, 24, 25, 28, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Abatchev et al. (US Pub. 2003/0024643), hereinafter Abatchev.

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Regarding claims 1, 2, 8, 14, 15, 19 and 24, Abatchev discloses a plasma etching system (Figs. 1A and 1B) and method as well comprising:

A coil (120) to couple power to a plasma in a plasma chamber (102a); and pulse power generator (114a, 117) coupled to the coil for repeatedly apply high power pulse to the coil to increase the reaction rate of the plasma within the chamber and to apply a low power pulse to the coil between applications of the high power pulses (Fig. 2B and [0027]-[0030]), wherein the pulse power generator being detuned when providing low power pulses alternately the high power pulses affecting the temperature of the plasma within the chamber would be inherently diminished, wherein the amplitude and frequency of the pulses being varied/changed/modulated based on the conditions of the plasma, in that, the voltage/amplitude and frequency of RF signal vary depending upon the plasma gases within the chamber ([0026], [0027], [0029], [0030] and [0032]). A control unit (116a) controls the output/amplitude of generators (114a, 117) to increase the reaction rate of the plasma within the chamber ([0025], [0028]).

Regarding claims 6 and 18, Abatcher teaches the high power pulse comprises a coil being pulsed at a selected alternating current frequency (Figs 1A and 2B).

Regarding claims 3, 4, 7, 13, 16, 29 and 30, Abatchev further discloses the high power pulses and the low power pulses being applied alternately in constant space time intervals (Fig. 2B), wherein the amplitude and frequency of the pulses being varied/changed/modulated based on the conditions of the plasma, in that the voltage/amplitude and frequency of RF signal vary depending upon the plasma gases within the chamber ([0026], [0027], [0029], [0030] and [0032]).

Regarding claims 25, 28 and 31, Abatcher also discloses a control unit provides instruction/process to control the pulse power generator for generating, modulating and applying amplitude/frequency of high/low power pulses alternately in a constant time space manner ([0021], [0025] and [0026]).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 12, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abatchev in view of Pan et al. (US Pat. 6,679,981), hereinafter Pan.

Abatchev discloses substantially the claim invention as noted above except for the coil is not an air couple coil whereas plasma generated through a core.

Pan discloses a plasma reaction chamber utilizing a inductive plasma loop, wherein a alternating power applies through an air couple coil (40) associated with a magnetic core for improving efficiency of magnetic coupling (col. 4, lines 37-44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an air-couple coil supported by a magnetic core as suggested by Pan into the Abatchev inductive plasma system in order to improve magnetic coupling so as to achieve an uniformity of high density plasma.

#### ***Allowable Subject Matter***

6. Claims 9, 10, 20, 21 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior fails to establish an apparatus and method as well for controlling reaction of plasma within the plasma chamber by applying low power pulse as detuning a pulsed power generator, wherein detuning comprises a change the operating frequency of the pulsed power generator beyond the range of an active matching network between the pulsed power generator and the plasma as required in claims 9, 20 and 27 or the detuning in the action to change the settings of an active matching network as required in claims 10 and 21.

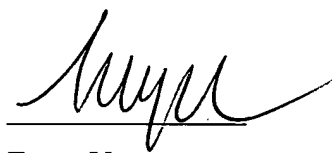
*Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone numbers for the organization where this application or proceeding is assigned are 571 273 8300 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 2800.

Information regarding the status of an application or status information for publishing/unpublishing applications may be obtained from the Patent Application Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system, contact the Electronic Business Center (EBC) at toll free 866-217-9197.

A handwritten signature in cursive script, appearing to read 'Tuyet Vo', written over a horizontal line.

Tuyet Vo

Primary Examiner

November 25, 2005